

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

TRANSLATION

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

<div style="border: 1px solid black; width: 100%; height: 100%;"></div>		Date of mailing (day/month/year) see form PCT/ISA/210
Applicant's or agent's file reference 02126bis/PCT		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/FR2004/050619	International filing date (day/month/year) 25.11.2004	Priority date (day/month/year) 26.11.2003
International Patent Classification (IPC) or both national classification and IPC E04H4/08		
Applicant ABRISUD		

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/FR2004/050619

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-22</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	<u>1-22</u>	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	<u>1-22</u>	YES
	Claims	_____	NO
2. Citations and explanations:			
<p>Reference is made to the following documents:</p> <p style="margin-left: 40px;">D1: FR-A-2824095</p> <p style="margin-left: 40px;">D2: FR-A-2825738</p> <p>Document D1 describes a device enabling the opening of a swimming pool basin to be uncovered and covered by elements juxtaposed in the direction of the length of the pool, each consisting of a cover and a rigid reinforcement with two end cross-members defining two longitudinal parallel edges, and comprising storage means, mobility means, stowage means and linking means as defined in claim 1.</p> <p>Consequently, the subject matter of claim 1 differs from this known device in that: the juxtaposed elements are roof elements forming a low shelter and each having a cover made of a translucent material and having a rigid reinforcement formed by at least two arches arranged in transverse planes and spaced apart by longitudinal cross-members, the end cross-members resting on the longitudinal edges of the basin of said pool defining a contact surface.</p>			

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International application No.

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

The problem resolved by these features of the invention is that of enabling the pool to be used while the roof elements are in place above the pool, which is not enabled by the device known from document D1.

The solution to this problem, as proposed in claim 1 of the present application, is considered to involve an inventive step (PCT Article 33(3)), for the following reasons:

To obtain this advantage, a person skilled in the art would use a device such as that known from document D2, in which the roof elements are not stacked.

Moreover, it would not be obvious for a person skilled in the art to adapt the device known from document D1 to vaulted roof elements such as those known from document D2, because this would require the use of a much deeper storage ditch and the modification of the system for guiding the roof elements along the edge of the pool.

Claims 2-22 are dependent on claim 1 and as such likewise meet the PCT requirements of novelty and inventive step.